

*June 29, 2010 - Staff Recommendation*

## **ST. LOUIS RIVER – Partridge River to Cloquet**

### ISSUE:

The St. Louis River at its headwaters near Seven Beavers Lake and at Norway Point has been determined to be a “water used for the production of wild rice” as defined in Minnesota Rule 7050.0224. Such a determination has not been made for the St. Louis River below Norway Point, and in particular for the portion between the confluence with the Partridge River and the city of Cloquet.

### OBJECTIVE:

This document focuses on the development of a MPCA staff recommendation, based on the information currently available, as to whether the portion of the St. Louis River between the confluence with the Partridge River and the city of Cloquet is a “water used for the production of wild rice” as defined in Minnesota Rule 7050.0224.

### SUPPORTING INFORMATION:

- Moyle: “Investigational Report #69” (1947)
  - Inventoried predominate plant species in the St. Louis R. and its tributaries.
  - Described that wild rice was “rare” except for in the Swan R. and Floodwood R. tributaries.
- DNR Fisheries Report: “A Study of the St. Louis River” (2006)
  - Identified and described the presence of wild rice in three locations in the St. Louis R. above the confluence with the Partridge R.
  - Although other portions of the St. Louis R. were included in the report, the report did not identify or describe any other specific wild rice locations in the river.
- USGS Photographic Imagery Analysis (2004, 2008)
  - Aerial photos for the main stem St. Louis R. taken in August 2003 and August 2008.
  - Potential presence of wild rice identified in the St. Louis R. near Brookston.
  - Subsequent field surveys of that area in 2009 identified no wild rice in that area.
  - USGS staff concluded that it was unlikely wild rice was present in the portion of the St. Louis R. above Brookston and below the confluence with the Partridge R.
- Mesabi Nugget Wild Rice Survey – Lower Partridge River and St. Louis River (2009)
  - Prepared per MPCA request in support of Mesabi Nugget Phase 2 EIS and permitting.
  - 1854 Authority provided informal feedback on the proposed study area – 1854 Authority mentioned wild rice areas in the Upper St. Louis R. and in the Lower Partridge R, however did not mention any areas in the main stem of the St. Louis R.
  - In informal communication, representatives of neighboring bands said they did not have any additional input beyond that provided by the 1854 Authority.
  - Used the USGS Photographic Imagery supplemented with field surveys.

- Field surveys identified wild rice in the Lower Partridge R. and to a more limited extent in the St. Louis R. estuary.
- No wild rice was identified in the surveyed portions of the 'mainstem' St. Louis R. (primarily downstream of Brookston).
- Fond du Lac Band Water Quality Standards
  - Includes a water classification system that includes a specific classification of "wild rice areas" that is defined as "a stream, reach, lake or impoundment, or portion thereof, presently, historically or with the potential to be vegetated with wild rice".
  - The classification of the St. Louis R. within reservation boundaries does not include this designation of a "wild rice area".
- Final draft list of "350 Significant Wild Rice Waters in Minnesota" (2010)
  - This list was compiled by the Wild Rice Management Workgroup, a coalition of federal, state, and tribal resource managers and other wild rice stakeholders. (The list is not a complete inventory and is not intended to be used as a regulatory document.)
  - Includes specific locations of wild rice in the Upper St. Louis R. and a more general reference to the St. Louis R. estuary, but does not include listings in the 'mainstem' St. Louis R.

## SUMMARY

A review of recent, and to a more limited extent, historic information including field surveys and wild rice water 'inventories' suggests that there is little, if any, documentation that wild rice exists in the portion of the St. Louis River between the confluence of the Partridge River and the city of Cloquet.

## MPCA STAFF RECOMMENDATION

Based on the information currently available, MPCA staff has determined at this time that the portion of the St. Louis River between the confluence with the Partridge River and the city of Cloquet (i.e., the 'mainstem' St. Louis River) is not a "water used for the production of wild rice" and consequently the 10 mg/L water quality standard for sulfate is not applicable to this portion of the river.

However, recognizing that the information currently available may not necessarily be complete, MPCA staff recommends (but does not mandate) for MPCA permitting that permittees/project proposers further investigate for the presence of wild rice in the 'mainstem' St. Louis River to reduce their 'risk' during the permitting process.

This recommendation is based on information currently available. MPCA staff will consider additional information that may become available in the future, whether from project proposers or from other interested/affected parties, and reserves the right to modify the staff recommendation accordingly.